

EXHIBIT A

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11/15/2023

Summons Issued-Circuit

Document ID: 23-SMCC-9512, for STARBUCKS CORPORATION Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

11/14/2023

Filing Info Sheet eFiling

Entry of Appearance Filed

Entry of Appearance MEB.

On Behalf Of: JOHN FITZGERALD

Entry of Appearance Filed

Entry of Appearance JAO.

On Behalf Of: JOHN FITZGERALD

Motion Special Process Server

Request for Appointment of Process Server.

On Behalf Of: JOHN FITZGERALD

Pet Filed in Circuit Ct

Petition; MCHR Right to Sue Letter.

On Behalf Of: JOHN FITZGERALD

11/13/2023

Judge Assigned

DIV 13

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
TWENTY-FIRST JUDICIAL CIRCUIT
STATE OF MISSOURI**

JOHN FITZGERALD

Plaintiff,

vs.

STARBUCKS CORPORATION

Serve at Registered Agent:

Prentice-Hall Corp. System
221 Bolivar St.
Jefferson City, MO 65101

Defendant.

Case No.

JURY TRIAL DEMANDED

PETITION

COMES NOW Plaintiff John FitzGerald, by and through his undersigned attorney, and for his Petition states as follows:

PARTIES AND JURISDICTION

1. Plaintiff John FitzGerald was a resident of Missouri since the beginning of his employment with Defendant Starbucks Corporation.
2. Defendant Starbucks Corporation is a business headquartered in Washington and is licensed to do business in Missouri.
3. Venue is proper in St. Louis County, because the corporate office in which the alleged discrimination first began occurred is located in St. Louis County.

STATEMENT OF FACTS

4. Store development management at Defendant Starbucks Corporation was divided into three different divisions: Eastern, Central, and Western.

5. Plaintiff FitzGerald is, and during all times relevant to this Petition, a male over the age of 40 years old.
6. Plaintiff FitzGerald worked as a Store Development Manager for nearly 8 years with Defendant Starbucks Corporation's Central Division.
7. On or around October 2021, FitzGerald relocated from Missouri to Maine to be closer to his daughter and son in law, who recently had twins.
8. Plaintiff FitzGerald informed his boss Owen Hutchison via emails and phone calls that he was relocating in October of 2021.
9. Plaintiff FitzGerald filled out a form indicating his change of address.
10. Plaintiff FitzGerald did not hear anything back until April 22, 2022.
11. On or around April 22, 2022, Hutchinson informed Plaintiff Fitzgerald that he was to relocate back from New England to somewhere within the Central division, or find a new job.
12. Plaintiff FitzGerald agreed to move back.
13. Dean Klein, later took over Hutchinson's position.
14. On or around May 24, 2022, Plaintiff FitzGerald suggested to Klein that Kylee Yanker, a woman in her early 30s that was pregnant at the time, could cover Missouri territories while FitzGerald could cover her initial Ohio territories.
15. Klein responded to Plaintiff Fitzgerald that he would take it under advisement.
16. On or around June 7, 2022, Klein terminated Plaintiff FitzGerald's employment nearly 1-2 weeks after FitzGerald made the above suggestion.

17. Klein indicated to Plaintiff FitzGerald that the reason for his termination was due to Plaintiff allegedly violating company policy for moving, despite there being no such policy.

18. On or around November 30, 2022, Plaintiff FitzGerald dual-filed his charge of discrimination with the Equal Employment Opportunity Commission (EEOC) and the Missouri Commission on Human Rights (MCHR).

19. Plaintiff's notice of his right to sue is attached herein Plaintiff's Petition, which has been filed within 90 days upon receipt of such notice.

COUNT I: AGE DISCRIMINATION IN VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT MO. REV. STAT. § 213.010 (MHRA) AGAINST DEFENDANT STARBUCKS CORPORATION

COMES NOW Plaintiff FitzGerald, and for his claim of unlawful age discrimination under the Missouri Human Rights Act (MHRA) against Defendant Starbucks Corporation, states as follows:

20. Plaintiff FitzGerald adopts and reincorporates all previous paragraphs here again.

21. Plaintiff FitzGerald is, and was at all times relevant herein, a male over the age of 40 years old.

22. Defendant Starbucks Corporation terminated Plaintiff FitzGerald's employment, because his relocation from Missouri to Maine allegedly violated company policy.

23. Not only is there no company policy against relocation, but younger employees under the age of 40 years old were allowed to relocate from one division to another without threat of termination.

24. There exists no rational basis regarding the requirement that Plaintiff FitzGerald live in the same geographic region as the job sites.

25. Defendant Starbucks Corporation has engaged in a pattern and practice of discriminating against individuals who are age 40 and older by treating adversely individuals who are age 40 and older, and treating preferentially individuals who are under 40 years old.
26. Defendant Starbucks Corporation's practices related to hiring, firing, and employment described herein, have had a disparate impact on the basis of age (discriminating against workers who are age 40 and older) that are not job-related for the positions at issue, not consistent with business necessity, and are not necessitated by any reasonable factors.
27. Defendant Starbucks Corporation's actions constitute unlawful age discrimination in violation of the MHRA.
28. Plaintiff FitzGerald suffered damages as a result of this discriminatory conduct, as well as wage loss, severe emotional distress, and a period of unemployment.
29. Plaintiff FitzGerald is also entitled to recover costs, fees, attorneys fees, and other damages as allowed by the MHRA.

WHEREFORE Plaintiff FitzGerald requests humbly that the Court enter judgement in his favor in excess of \$25,000.00, and set the case for trial by jury to assess compensatory damages arising from the discriminatory conduct of Defendant Starbucks Corporation, for attorney's fees, and for any other relief as may be just and proper under the circumstances.

Respectfully submitted,

OTT LAW FIRM



Joseph A. Ott, #67889



Mark E. Blankenship Jr., #73123

3544 Oxford Blvd
Maplewood, MO 63143
Telephone: (314) 293-3756
Facsimile: (314) 689-0080
joe@ott.law
mark@ott.law
Attorneys for Plaintiff



MISSOURI COMMISSION ON HUMAN RIGHTS

23SL-CC04912

MICHAEL L. PARSON
GOVERNOR

ANNA S. HUI
DEPARTMENT DIRECTOR

DEREK M. HOLLAND
COMMISSION CHAIR

ALISA WARREN, Ph.D.
EXECUTIVE DIRECTOR

John FitzGerald
27 School St #4
Freeport, ME 04032
Via Complainant Attorney Email

NOTICE OF RIGHT TO SUE

RE: John FitzGerald vs. Starbucks Coffee Company
E-11/22-54741 28E-2023-00389

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,

Alisa Warren, Ph.D.
Executive Director

August 17, 2023
Date

C: additional contacts listed on next page



JEFFERSON CITY OFFICE
421 E. DUNKLIN STREET
P.O. Box 1129
JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325
FAX: 573-751-2905



ST. LOUIS OFFICE
111 N. 7TH STREET, SUITE 903
ST. LOUIS, MO 63101-2100
PHONE: 314-340-7590
FAX: 314-340-7238



KANSAS CITY OFFICE
P.O. Box 1129
JEFFERSON CITY, 65102-1129
FAX: 816-889-3582



SIKESTON OFFICE
106 ARTHUR STREET, SUITE D
SIKESTON, MO 63801-5454
FAX: 573-472-5321

Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711
www.labor.mo.gov/mohumanrights E-Mail: mchr@labor.mo.gov

RE: John FitzGerald vs. Starbucks Coffee Company
E-11/22-54741 28E-2023-00389

Starbucks Coffee Company
c/o Littler Mendelson, PC
Attn: Jeffery Jones 2301 McGee St Ste 800
Kansas City, MO 64108
Via Respondent Contact Email

Amy Nixon, Attorney
Littler Mendelson, P.C.
2301 McGee Street 8th Floor Suite 800
Kansas City, MO 64108
anixon@littler.com

Mark E Blankenship
Ott Law Firm
3544 Oxford Blvd
Maplewood, MO 63143
mark@ott.law

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
TWENTY-FIRST JUDICIAL CIRCUIT
STATE OF MISSOURI**

JOHN FITZGERALD)

Plaintiff,)

vs.)

STARBUCKS CORPORATION)

Defendant.)

Case No.

JURY TRIAL DEMANDED

ENTRY OF APPEARANCE

COMES NOW Mark E. Blankenship Jr., an attorney at Ott Law Firm, and hereby enters his appearance on behalf of Plaintiff in the above captioned matter.

Respectfully submitted,

OTT LAW FIRM


Mark E. Blankenship Jr., #73123
3544 Oxford Blvd
Maplewood, MO 63143
Telephone: (314) 293-3756
Facsimile: (314) 689-0080
mark@ott.law
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
TWENTY-FIRST JUDICIAL CIRCUIT
STATE OF MISSOURI

JOHN FITZGERALD

Plaintiff,

vs.

STARBUCKS CORPORATION

Defendant.

Case No.

JURY TRIAL DEMANDED

ENTRY OF APPEARANCE

COMES NOW Joseph A. Ott, an attorney at Ott Law Firm, and hereby enters his
appearance on behalf of Plaintiff in the above captioned matter.

Respectfully submitted,

OTT LAW FIRM



Joseph A. Ott, #67889
3544 Oxford Blvd
Maplewood, MO 63143
Telephone: (314) 293-3756
Facsimile: (314) 689-0080
joe@ott.law
Attorneys for Plaintiff

In the
CIRCUIT COURT
Of St. Louis County, Missouri



For File Stamp Only

John Fitzgerald
 Plaintiff/Petitioner

November 14, 2023
 Date

vs.

Starbucks Corporation
 Defendant/Respondent

Case Number

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff, pursuant

Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Tim Moore, Pro-Serve St. Louis, 6614 Clayton Rd, St. Louis, MO 63117 (314) 961-2222
 Name of Process Server Address Telephone

Name of Process Server Address or in the Alternative Telephone

Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE:

Starbucks Corporation
 Name
Prentice-Hall Corp. System (Registered Agent) 221 Bolivar St.
 Address
Jefferson City, MO 65101
 City/State/Zip

SERVE:

Name
 Address
 City/State/Zip

Appointed as requested:

JOAN M. GILMER, Circuit Clerk

By Deputy Clerk

Date

SERVE:

Name
 Address
 City/State/Zip

SERVE:

Name
 Address
 City/State/Zip

/s/ Joseph A. Ott

Signature of Attorney/Plaintiff/Petitioner
#67889
 Bar No.
3544 Oxford Blvd, Maplewood, MO 63143
 Address
(314) 293-3756 (314) 689-0080
 Phone No. Fax No.

Local Rule 28. SPECIAL PROCESS SERVERS

(1) Any Judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party except no special process server shall be appointed to serve a garnishment [except as allowed by Missouri Supreme Court Rule 90.03(a)].

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, [except as allowed by Missouri Supreme Court Rule 90.03(a)], or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a "Request for Appointment of Process Server" electronic form, which may be found on the Court's Web Site,
<https://stlcountycourts.com/forms/associate-civil/request-process-server/>

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVICE RETURN

Any service by the St. Louis County Sheriff's Office shall be scanned into the courts case management system. Any service by another Sheriff or a Special Process Server or any other person authorized to serve process shall return to the attorney or party who sought service and the attorney shall file the return electronically to the Circuit Clerk.

In the
CIRCUIT COURT
Of St. Louis County, Missouri



For File Stamp Only

John Fitzgerald
 Plaintiff/Petitioner

November 14, 2023
 Date

vs.

Starbucks Corporation
 Defendant/Respondent

Case Number

Division

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Starbucks Corporation
 Name
Prentice-Hall Corp. System (Registered Agent) 221 Bolivar St.
 Address
Jefferson City, MO 65101
 City/State/Zip

SERVE:

Name
 Address
 City/State/Zip

Appointed as requested:

JOAN M. GILMER, Circuit Clerk

By TS/Tamara Baldwin
 Deputy Clerk
11/15/2023
 Date

SERVE:

Name
 Address
 City/State/Zip

SERVE:

Name
 Address
 City/State/Zip

/s/ Joseph A. Ott

Signature of Attorney/Plaintiff/Petitioner
#67889
 Bar No.
3544 Oxford Blvd, Maplewood, MO 63143
 Address
(314) 293-3756 (314) 689-0080
 Phone No. Fax No.

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SERVICE RETURN


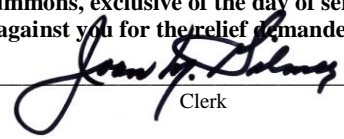
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IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: BRUCE F. HILTON	Case Number: 23SL-CC04912	(Date File Stamp)
Plaintiff/Petitioner: JOHN FITZGERALD	Plaintiff's/Petitioner's Attorney/Address MARK EDWARD BLANKENSHIP 3544 OXFORD BLVD MAPLEWOOD, MO 63143	
Defendant/Respondent: STARBUCKS CORPORATION	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Employmnt Discrmntn 213.111		

Summons in Civil Case

The State of Missouri to: STARBUCKS CORPORATION Alias: PRENTICE-HALL CORP SYSTEM REG AGENT 221 BOLIVAR JEFFERSON CITY, MO 65101 COURT SEAL OF  ST. LOUIS COUNTY	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. 15-NOV-2023 Date Further Information: TB	 Clerk
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Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- ☐ other _____.

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.